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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/611,536	06/30/2003	Salomon John Contreras	DKSC001NP	4721

EXAMINER
TOLAN, EDWARD THOMAS

ART UNIT	PAPER NUMBER
3725	

DATE MAILED: 01/25/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/611,536

Applicant(s)

CONTRERAS, SALOMON JOHN

Examiner

Tolan Edward

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-22 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-22 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>6-30-2003</u> . | 6) <input type="checkbox"/> Other: ____. |

DETAILED ACTION

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-3,5,7-10,12,14-17 and 19-21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Killius (2,776,587) in view of Holsapple et al. (3,712,106). Killius discloses removable tool heads (18,19,22,24) having bases (15,21) and rod-like mounting portions (pins, 17) which are used to attach the tool heads to the bases and to apertures (13) in a lever (10). The pins extend through the bases to connect the tool heads to side surfaces of the lever (10) comprising rod-like members (11,12). Figures 3,4 and 5 show that tool heads (18,19 and 24) are used above and below the lever to apply force to automobile body portions. Killius does not disclose a threaded connection between the bases and tool heads. Holsapple teaches that it is known to provide threaded connections between a base (37) and a threaded rod (38) for the purpose of fixing a tool head (41,24,26). It would have been obvious to one skilled in the art at the time of invention to substitute the threaded connection of Holsapple for the pinned connection of Killius for greater connection strength.

Regarding claims 2,9,16 and 20, the theory behind a lever is that the force required to perform the action is less than the deforming force required for the lever or else it would not provide leverage, metal is malleable when a force greater than its

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modulus is applied. Regarding claims 3 and 10, it have been obvious to the skilled artisan at the time of invention to thread the holes (13) of Killius and provide a thread to pin (17) as opposed to the ball (29) and spring (30) connection for greater strength.

Claims 4 and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Killius in view of Holsapple and further in view of Salazar (5,893,291). Killius in view of Holsapple does not disclose slots. Salazar teaches a lever (10) with slots (16,24) for receiving tool heads. It would have been obvious to one skilled in the art at the time of invention to substitute the slots of Salazar for the apertures in the lever of Killius in view of Holsapple in order to provide increased adjustability of the bases relative to the lever.

Claims 6,13,18 and 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Killius in view of Holsapple and further in view of Ritter (6,792,790). Killius in view of Holsapple does not disclose an outer tool material. Ritter teaches coating of a tool head (3) in column 2, lines 15-17. It would have been obvious to one skilled in the art at the time of invention to provide a tool head of Killius in view of Holsapple with a coating as taught by Ritter in order to avoid marring of the sheet metal surfaces.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication should be directed to Ed Tolan whose telephone number is 571-272-4525.

ED TOLAN
PRIMARY EXAMINER
